

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Juan Arango	Team: Squad #15	CCRB Case #: 202100640	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday 09/29/2019 12:30 AM Sunday 09/29/2019 4:00 AM	18 Mo. SOL 11-13-2021 11-13-2021	Location of Incident: In front of 1128 East 229th Street - Edenwald Houses and § 87(2)(b)	Precinct: 47
Date/Time CV Reported Wed, 01/27/2021 11:25 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 01/27/2021 11:25 AM

Complainant/Victim	Type	Home Address
1. § 87(2)(b)	Comp/Victim	§ 87(2)(b)
2. § 87(2)(b)	Victim	Deceased
3. § 87(2)(b)	Victim	§ 87(2)(b)
4. § 87(2)(b)	Victim	§ 87(2)(b)

Witness(es)	Home Address
1. § 87(2)(b)	§ 87(2)(b)
2. § 87(2)(b)	§ 87(2)(b)
3. § 87(2)(b)	§ 87(2)(b)
4. § 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jason Valentino	00000	934233	PBMS SU
2. PO Robert Wichers	16306	958169	PBMS SU
3. PO Keith Figueroa	28992	952729	PBMS SU
4. Officers			
5. DT3 Daniel Beddows	07398	926556	PBMS SU
6. PO Brian Mahon	26892	955116	PBMS SU
7. DT3 Mark Acevedo	00985	933592	FORCE ID

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Brian Mulkeen	06981	954160	PBMS SU
2. PO Colton Reitzes	14831	961157	PSA 8
3. PO Anthony Hyde	02895	954954	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Robert Wichers	Abuse of Authority: At 1128 E 229th Street in the Bronx, Police Officer Robert Wichers stopped § 87(2)(b)	A . § 87(2)(g)
B . PO Brian Mahon	Abuse of Authority: At 1128 E 229th Street in the Bronx, Police Officer Brian Mahon stopped § 87(2)(b)	B . § 87(2)(g)
C . PO Brian Mahon	Abuse of Authority: At 1128 E 229th Street in the Bronx, Police Officer Brian Mahon frisked § 87(2)(b)	C . § 87(2)(g)
D . PO Robert Wichers	Force: At 1128 E 229th Street in the Bronx, Police Officer Robert Wichers used physical force against § 87(2)(b)	D . § 87(2)(g)
E . PO Robert Wichers	Force: At 1128 E 229th Street in the Bronx, Police Officer Robert Wichers fired his gun at § 87(2)(b)	E . § 87(2)(g)

Officer(s)	Allegation	Investigator Recommendation
F . PO Keith Figueroa	Force: At 1128 E 229th Street in the Bronx, Police Officer Keith Figueroa fired his gun at § 87(2)(b)	F . § 87(2)(g)
G . SGT Jason Valentino	Force: At 1128 E 229th Street in the Bronx, Sergeant Jason Valentino fired his gun at § 87(2)(b)	G . § 87(2)(g)
H . PO Brian Mahon	Force: At 1128 E 229th Street in the Bronx, Police Officer Brian Mahon fired his gun at § 87(2)(b)	H . § 87(2)(g)
I . DT3 Daniel Beddows	Force: At 1128 E 229th Street in the Bronx, Detective Daniel Beddows fired their gun at § 87(2)(b)	I . § 87(2)(g)
J . Officers	Abuse of Authority: At 1128 E 229th Street in the Bronx, Officers did not obtain medical treatment for § 87(2)(b)	J . § 87(2)(g)
K . DT3 Mark Acevedo	Abuse of Authority: At § 87(2)(b) in the Bronx, Detective Mark Acevedo abused authority in relation to § 87(2)(b)	K . § 87(2)(g)
L . DT3 Mark Acevedo	Abuse of Authority: At § 87(2)(b) in the Bronx, Detective Mark Acevedo abused authority in relation to § 87(2)(b)	L . § 87(2)(g)

Case Summary

On January 27, 2021, § 87(2)(b) filed this complaint with the CCRB via the CCRB's website and it was assigned to Inv. Olmsted. On September 16, 2022, this complaint was reassigned to Inv. Arango.

On September 29, 2019, at approximately 12:30 a.m., Police Officer Robert Wichers, Police Officer Brian Mahon and Police Officer Brian Mulkeen, of the Patrol Borough Bronx Anti-Crime Unit, were patrolling in the vicinity of 1128 East 229th Street (Edenwald Houses) in the Bronx. The officers approached § 87(2)(b) and § 87(2)(b) but § 87(2)(b) fled on foot. PO Wichers and PO Mulkeen pursued § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). PO Mahon stopped § 87(2)(b) and frisked him (**Allegations B and C: Abuse of Authority, § 87(2)(g)**). PO Wichers, PO Mulkeen and § 87(2)(b) then engaged in a struggle. PO Wichers threw multiple punches at § 87(2)(b) (**Allegation D: Force, § 87(2)(g)**). Police Officer Keith Figueroa, Detective Daniel Beddows and Sergeant Jason Valentino, also of the Patrol Borough Bronx Anti-Crime Unit, responded to the incident location. PO Wichers, PO Figueroa, Sgt. Valentino, PO Mahon, and Det. Beddows discharged their weapons in the direction of § 87(2)(b) who was killed (**Allegation E: Force, § 87(2)(g)**) (**Allegation F: Force, § 87(2)(g)**) (**Allegation G: Force, § 87(2)(g)**) (**Allegation H: Force, § 87(2)(g)**) (**Allegation I: Force, § 87(2)(g)**). During this incident, PO Mulkeen was also killed. Officers allegedly refused to obtain medical treatment for § 87(2)(b) (**Allegation J: Abuse of Authority, § 87(2)(g)**).

Also on September 29, 2019, at approximately 4:00 a.m., § 87(2)(b) and § 87(2)(b) § 87(2)(b) parents, arrived at § 87(2)(b) in the Bronx to identify § 87(2)(b) body. Detective Mark Acevedo, of the Force Investigations Division, allegedly abused his authority in relation to § 87(2)(b) and § 87(2)(b) (**Allegations K and L: Abuse of Authority, § 87(2)(g)**).

The investigation obtained video footage of this incident (**Board Reviews 01 and 37**).

Findings and Recommendations

Allegation (A) Stop: At 1128 E 229th Street in the Bronx, Police Officer Robert Wichers stopped § 87(2)(b)

On the evening of September 28, 2019, the Patrol Borough Bronx Anti-Crime Unit, consisting of PO Mahon, PO Wichers, PO Mulkeen, PO Figueroa, Det. Beddows and Sgt. Valentino, was deployed to the vicinity of the Edenwald Houses within the confines of the 47th Precinct to address gun violence suppression, in response to a shootout involving two groups of males who fired at each other on September 26, 2019, in the vicinity of 1132 East 229th Drive South at the Edenwald Houses. PO Mahon, PO Wichers and PO Mulkeen were patrolling in unmarked RMP #0831-15, while PO Figueroa, Det. Beddows and Sgt. Valentino were in unmarked RMP #0164-16. Both anti-crime teams were patrolling separately and communicated with each other via radio.

On September 29, 2019, at approximately 12:23 a.m., § 87(2)(b) and § 87(2)(b) exited 1141 East 229th Street, and stood next to a drop-box mailbox and a parked white pick-up truck with a covered bed, on the northern side of East 229th Street, while § 87(2)(b) ordered a cab from Laconia Car Service to take § 87(2)(b) to Manhattan (**Board Review 24**). At approximately 12:30 a.m., PO Mahon, PO Wichers and PO Mulkeen were patrolling eastbound on East 229th Street, between Laconia Avenue and East 229th Drive South, when they observed § 87(2)(b) and § 87(2)(b) standing next to the mailbox and the parked vehicle.

The investigation attempted to interview § 87(2)(b) in relation to this incident, but § 87(2)(b) refused to be interviewed. The investigation called § 87(2)(b) four additional times,

during which he stated that he wanted to speak with his attorney first and then would reach out to the undersigned investigator. § 87(2)(b) was given the option to have the undersigned contact his attorney, but § 87(2)(b) refused to provide their information and stated that he would have his attorney contact the undersigned. The undersigned followed up with § 87(2)(b) which resulted in § 87(2)(b) stating that he was advised not to give a statement to the CCRB and eventually disconnected the phone call and stopped communication with the CCRB.

The investigation also identified two potential witnesses to this incident: § 87(2)(b) and § 87(2)(b). The investigation performed multiple database searches for § 87(2)(b) and § 87(2)(b) and exhausted contact attempts to them. The investigation was unable to establish communication with § 87(2)(b) but was able to speak with § 87(2)(b). § 87(2)(b) initially scheduled a CCRB interview and agreed to have § 87(2)(b) contact the undersigned and obtain her permission from him to provide the undersigned with her phone number. § 87(2)(b) eventually missed his CCRB interview and stopped answering his phone. § 87(2)(b) never reached out to the investigation.

The investigation obtained NYCHA CCTV footage from a camera installed on the rear exterior of 1132 East 229th Drive South. The original CCTV footage was recorded between 12:15:00 a.m. and 12:44:59 a.m. on September 29, 2019 (**Board Review 44**). The investigation converted a shortened clip of the video § 87(2)(g)

§ 87(2)(b) (**Board Review 04**). The surveillance camera faces East 229th Street and captures a parking lot on the right side of the frame, a gated area for the dumpsters towards the center left of the screen, and it partially shows the walkway on the far left of the screen. There is a tree trunk between the dumpster area and the walkway, which partially blocks the view of the walkway. Due to the resolution of the video, § 87(2)(b) and § 87(2)(b) are not clearly seen at that distance but their silhouettes are. From the 00:05 mark to the 4:29 mark, § 87(2)(b) and § 87(2)(b) exit the housing development, from the parking lot between 1135 East 229th Street and 1141 East 229th Street, onto East 229th Street and stand on the sidewalk, next to a parked white pickup truck with a covered bed and a drop-off mailbox. At the 04:29 mark, a silver unmarked police vehicle, identified by the investigation as PO Mahon, PO Wichers and PO Mulkeen's vehicle, drives eastbound on East 229th Street. The silhouette of § 87(2)(b) appears to be standing in front of the mailbox and the silhouette of § 87(2)(b) appears to be standing behind the mailbox. § 87(2)(b) and § 87(2)(b) are facing each other. As the police vehicle gets closer to § 87(2)(b) and § 87(2)(b) and slows down on the eastbound lane of East 229th Street, § 87(2)(b) moves from the front of the mailbox towards the side where § 87(2)(b) is standing. The police vehicle then makes a U-turn into the parking lot adjacent to 1135 East 229th Street and § 87(2)(b) immediately walks past § 87(2)(b) closer to the back of the pickup truck. For approximately six seconds, the police vehicle drives on the sidewalk in front of § 87(2)(b) and § 87(2)(b) and comes to a full stop, approximately ten feet away from the mailbox. § 87(2)(b) turns around, walks behind the mailbox and § 87(2)(b) and then onto the street. A few seconds later, PO Wichers exits from the rear driver-side door of the police vehicle. § 87(2)(b) gets back onto the sidewalk and runs westbound on East 229th Street while PO Wichers pursues him on foot. PO Mulkeen exits the police vehicle from the front driver seat and runs behind PO Wichers. At the 04:55 mark, after running past two parked vehicles, § 87(2)(b) runs between the parked vehicles and crosses East 229th Street, followed by PO Wichers. Due to fencing around the dumpster, § 87(2)(b) and PO Wichers are out of sight as they are crossing East 229th Street and PO Mulkeen follows them. As § 87(2)(b) and the officers run across East 229th Street, PO Mahon, who is still inside the police vehicle, backs it up and moves onto the road. At the 05:02 mark, § 87(2)(b) is briefly seen running on the walkway, on the far-left side of the screen, followed by PO Wichers. Both move towards the right side of the walkway and fall forward behind the tree trunk. Due to the distance of the surveillance camera and the short amount of time § 87(2)(b) and PO Wichers are on the frame of the video, the camera is unable to

show whether § 87(2)(b) had anything in his hands before he goes out of view behind the tree.

PO Wichers' BWC footage § 87(2)(g) (Board Review 05). The video does not have any sound until the 1:00 mark when PO Wichers activates his BWC. The video footage begins with PO Wichers, PO Mahon and PO Mulkeen patrolling in the police vehicle. PO Mahon is driving the vehicle, PO Mulkeen is sitting in the front passenger seat and PO Wichers in the rear driver side seat. At the 00:24 mark, PO Mahon stops the vehicle, and makes a U-turn onto the westbound lane of East 229th Street while PO Mulkeen's head is turned to the left side of the vehicle. At the 00:42 mark, PO Wichers exits the police vehicle and is immediately standing in front of § 87(2)(b) who is standing on the street at the rear of the white pickup truck, next to the drop-off mailbox. § 87(2)(b) runs onto the sidewalk and begins to run westbound. PO Wichers immediately pursues § 87(2)(b) on foot while his BWC shakes severely. After approximately two car lengths, § 87(2)(b) runs between two parked vehicles and crosses East 229th Street.

At the 00:16 mark of PO Mahon's BWC footage, PO Mahon exits the police vehicle and approaches § 87(2)(b) (Board Review 06). PO Mahon places his police radio in front of his mouth, but the video does not have any sound. At the 00:25 mark, PO Mahon stands in close proximity to § 87(2)(b) and the BWC mostly captured § 87(2)(b) hoodie. At the 00:48 mark, PO Mahon begins to run towards the opposite side of East 229th Street and leave § 87(2)(b) on the sidewalk. PO Mahon's BWC footage does not capture PO Wicher's foot pursuit of § 87(2)(b).

PO Mulkeen did not activate his BWC at any point.

During his CCRB interview, PO Mahon stated that they were exiting the Edenwald Houses grounds onto a connecting street to East 229th Street when he observed § 87(2)(b) and § 87(2)(b) standing on the opposite side of the street, next to a drop-off mailbox, approximately 50 yards in front of their police vehicle (Board Review 07). § 87(2)(b) and § 87(2)(b) were just hanging out and standing on opposite sides of the mailbox. PO Mahon was not sure what § 87(2)(b) and § 87(2)(b) were wearing at the time. PO Mahon did not believe there was any vehicle parked in the area where § 87(2)(b) and § 87(2)(b) were standing, and PO Mahon had an unobstructed view of them. As PO Mahon drove slowly towards § 87(2)(b) and § 87(2)(b) at a distance of approximately 10 to 20 yards, § 87(2)(b) looked at the police vehicle and alerted § 87(2)(b) to the presence of the police vehicle by quickly whispering something to him. § 87(2)(b) looked at the police vehicle but remained totally calm. § 87(2)(b) began to blade his body and moved behind the mailbox, which seemed weird and caught PO Mahon's attention. As the police vehicle moved to approximately 10 yards from § 87(2)(b) and § 87(2)(b) PO Mahon made a right turn to have a better view of § 87(2)(b) body. In response, § 87(2)(b) moved to the opposite side of the mailbox from the police vehicle and was seemingly hiding his waistband and blading his body behind the mailbox. PO Mahon moved the vehicle closer to § 87(2)(b) and § 87(2)(b) to avoid the obstruction from the drop-off mailbox (Board Review 07). However, § 87(2)(b) continued to hide behind the mailbox and PO Mahon stopped the police vehicle. PO Mahon believed he may have observed § 87(2)(b) for approximately 30 seconds before he stopped the police vehicle. Approximately 10 feet away from § 87(2)(b) PO Mahon observed a bulge in the fabric of § 87(2)(b) shirt at his waistband. The fabric of his shirt moved around the object creating the bulge. PO Mahon explained that § 87(2)(b) action of alerting § 87(2)(b) to their presence, the bulge on § 87(2)(b) waistband and § 87(2)(b) hiding around the mailbox contributed to his suspicion that § 87(2)(b) was in possession of a firearm. PO Mahon did not remember the size of the object based on bulge. PO Mahon did not remember the shape of the object because the incident was long ago. PO Mahon remembered seeing a part of the object that was protruding under the t-shirt, but he could no longer recall what part it was. PO Mahon did not remember the particular part of the waistband where he observed this object. PO

Mahon did not see any signs of any other object on § 87(2)(b) waistband at the time. PO Mahon then alerted PO Mulkeen and PO Wichers about § 87(2)(b) but PO Mahon did not remember if he said, “look at his waistband,” or “check this guy out.” PO Mahon stated that he would usually alert the officers about what he observed but did not remember what he said. PO Wichers said something to § 87(2)(b) and § 87(2)(b) through the open rear driver side window and exited the police vehicle. PO Mahon did not know what PO Wichers said to § 87(2)(b) and § 87(2)(b) at the time. § 87(2)(b) immediately began to run; PO Wichers pursued him and PO Mulkeen exited the vehicle. The officers did not discuss the course of action before PO Wichers engaged with § 87(2)(b) and § 87(2)(b). PO Mahon explained that he had suspicion that § 87(2)(b) was armed when he stopped the vehicle and had the legal basis to stop him but that his intention was to first engage in a conversation with him and ask him questions like, “What’s going on?” and “What are you doing?” PO Mahon did not have any intention to arrest § 87(2)(b) at the time. PO Mahon did not have any suspicion of any other criminal activity besides § 87(2)(b) possessing a weapon.

PO Mahon was presented with the NYCHA footage between the 04:28 mark and the 04:47 mark (**Board Review 07**). PO Mahon stated that he had not seen this video before. After watching the video, PO Mahon stated that the video refreshed his recollection where the incident began and that it was a little different from what he remembered. PO Mahon stated that it looked like § 87(2)(b) and § 87(2)(b) were towards his left side when he was driving towards them and not directly in front of the police vehicle, which is how he remembered. PO Mahon believed that his driving and seeing § 87(2)(b) and § 87(2)(b) on his windshield view changed the way he remembered their positions regarding the vehicle. PO Mahon added that he did not make a right turn as he initially stated but he made a left turn into the driveway of the parking lot to get a look at § 87(2)(b) waistband. PO Mahon confirmed that as he was driving past, § 87(2)(b) was moving behind the mailbox, so he alerted PO Mulkeen and PO Wichers, to whom he was looking, and then made a left turn to get around the mailbox. § 87(2)(b) continued going around the mailbox and this is when PO Wichers engaged with them.

During his CCRB interview, PO Wichers stated that they were driving on East 229th Street, when they observed § 87(2)(b) and § 87(2)(b) standing on the sidewalk, near a mailbox (**Board Review 08**). PO Wichers did not remember who observed § 87(2)(b) and § 87(2)(b) first. § 87(2)(b) was standing between the mailbox and a parked vehicle while § 87(2)(b) was standing near the mailbox. PO Wichers did not remember if § 87(2)(b) was on the sidewalk or in the road. § 87(2)(b) and § 87(2)(b) were standing on the side of PO Wichers while PO Wichers was in the police vehicle approximately two car lengths from them. As the police vehicle approached, § 87(2)(b) and § 87(2)(b) both noticed the police vehicle and got “wide eyed.” § 87(2)(b) then began to blade his body to conceal the front of his body while he was adjusting his waistband with a gripping or clutching motion. As § 87(2)(b) bladed his body, this action prevented PO Wichers from seeing the front of his waistband and what he was reaching for at the time. PO Wichers did not remember how far § 87(2)(b) was standing from the mailbox when he bladed his body and stated that there was nothing standing between PO Wichers and § 87(2)(b). PO Wichers did not recall whether the police vehicle was in motion or had stopped at the time. PO Wichers did not communicate any of his observations to PO Mahon and PO Mulkeen at the time and the officers did not have any conversation.

PO Wichers announced himself through the open rear driver-side window and said, “Police!” (**Board Review 08**). PO Wichers did not remember whether the vehicle had changed directions or lanes before he said, “Police.” PO Wichers explained that his intention at the time was to approach § 87(2)(b) to investigate what he was clutching. PO Wichers added that people would not usually get suspicious, wide-eyed, turn their bodies and adjust their waistband upon seeing the police. PO Wichers believed there was a potential weapon in § 87(2)(b) waistband but did not remember if he observed any bulges on § 87(2)(b) waistband. PO Wichers did not remember if he communicated to PO Mahon or PO Mulkeen that he believed

§ 87(2)(b) was armed. PO Wichers had not observed § 87(2)(b) or § 87(2)(b) commit any crime before exiting the vehicle and did not suspect § 87(2)(b) of having committed any crime. When PO Wichers said, “Police,” and exited the police vehicle, § 87(2)(b) was still holding onto his waistband. He looked back at PO Wichers and began to run between the mailbox and a parked vehicle. PO Wichers began to pursue § 87(2)(b) on foot, § 87(2)(b) ran between two parked vehicles and crossed East 229th Street. As § 87(2)(b) ran to the other side of the street, § 87(2)(b) had one of his hands in his waistband and PO Wichers heard PO Mahon say over the radio, “He’s got it,” which indicated to PO Wichers that § 87(2)(b) had a firearm. Right after, PO Wichers yelled at § 87(2)(b) “Police,” again. When § 87(2)(b) and PO Wichers reached the other side of East 229th Street, PO Wichers observed a revolver in § 87(2)(b) hand. PO Wichers did not remember which hand § 87(2)(b) was holding the revolver or how he had his hand positioned. PO Wichers attempted to take § 87(2)(b) to the ground while grabbing his back but was unable to do so as § 87(2)(b) was trying to stay on his feet and was stronger than PO Wichers.

According to the FID Report, the NYPD Crime Scene Unit recovered a FIE Titanic .32 caliber revolver, serial #§ 87(2)(b) vouchered under NYPD Invoice #§ 87(2)(b) (**Board Review 32**). The revolver was found lying on the ground underneath § 87(2)(b) body at the conclusion of this incident, and its cylinder contained four, live .32 caliber cartridges and one empty chamber (**Board Review 38**).

The investigation interviewed § 87(2)(b) who lived at § 87(2)(b), and § 87(2)(b) who lived at § 87(2)(b) (**Board Reviews 02 and 03**). § 87(2)(b) stated that while he was watching TV, he heard a voice screaming, “Stop. Stop. Hold. Hold,” outside of his apartment building (**Board Review 02**). § 87(2)(b) looked outside and observed a male being chased by a plain clothes officer into the walkway. § 87(2)(b) stated that he was going back to his apartment when he observed an officer in plain clothes exiting a police vehicle and running behind a male (**Board Review 03**). § 87(2)(b) did not hear anything prior to the officer exiting the vehicle. While the officer chased the male, the officer said, “Wait. Stop.” The male and the officer then ran into the walkway.

BWC footage did not record any of § 87(2)(b) actions prior to PO Wichers exiting the police vehicle. NYCHA footage did not provide a close shot of § 87(2)(b) and § 87(2)(b). However, the NYCHA footage did capture § 87(2)(b) movement and position in relation to the mailbox and determined that they are consistent with PO Mahon’s account of having seen § 87(2)(b) moving around the mailbox and blading his body while the vehicle also changed its position. PO Mahon’s statement and NYCHA footage is also consistent with PO Wichers’ account of having seen § 87(2)(b) blade his body at the time. For this reason, the investigation is crediting that PO Mahon and PO Wichers observed § 87(2)(b) blading his body and hiding his waistband from the officers.

Although the video evidence did not provide a close shot of § 87(2)(b) body prior to the officers approaching him, the video did show the police vehicle being in close proximity to § 87(2)(b) after making the U-turn and before PO Wichers exited the vehicle. § 87(2)(b) was standing approximately 10 feet away from the police vehicle prior to going onto the street. § 87(2)(g)

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People v. Stevenson, 7 A.D.3d 820 (App. Term, 2nd Dept., 2004) (**Board Review 34**) - The observation of a bulge underneath the center of the civilian’s waistband and the civilian

adjusting his clothing around the bulge multiple times, when not explicitly in the shape or outline of a firearm, grants an officer a founded suspicion of criminality that could justify a common-law inquiry. Absent any additional factors indicating that the civilian was involved in criminal activity or posed a threat to the safety of those around him, the observation of a bulge does not justify the stop or frisk of the civilian displaying the bulge.

In People v. Haynes, 115 A.D.3d 676 (2014), officers driving an unmarked vehicle saw an individual walking on the street (**Board Review 35**). The individual made eye contact with one of the detectives, looked away and then “grabbed his waistband area in such a way that it seemed as if he had a bulge or something heavy that he was holding on the outside of his garments.” The officer drove past the individual and the individual turned his back to them. The officers approached the individual and the individual fled and the officers pursued him. The individual discarded a gun during the pursuit. The court noted, “A suspect’s flight alone...even [his or her flight] in conjunction with equivocal circumstances that might justify a police request for information, is insufficient to justify pursuit. However, flight ‘combined with specific circumstances indicating that the suspect may be engaged in criminal activity,’ could provide the predicate necessary to justify pursuit.” The court ruled that the actions by the individual alone were not indicative of criminal activity to establish reasonable suspicion that was necessary to lawfully pursue the defendant, even when coupled with the defendant’s having made eye contact with the officers and his flight from them.

It is undisputed that the anti-crime team were deployed to the Edenwald Houses to address violence suppression after a shooting involving armed suspects took place two days prior to this incident and in the same vicinity where § 87(2)(b) and § 87(2)(b) were observed. It is also undisputed that § 87(2)(b) had a revolver in his possession at the time of this incident.

§ 87(2)(g)

Allegation (B) Stop: At 1128 E 229th Street in the Bronx, Police Officer Brian Mahon stopped

§ 87(2)(b)

Allegation (C) Stop: At 1128 E 229th Street in the Bronx, Police Officer Brian Mahon frisked

§ 87(2)(b)

At the 04:58 mark of the NYCHA security camera footage, after PO Mulkeen and PO Wichers ran after § 87(2)(b) PO Mahon drives his vehicle westbound approximately three car lengths and then backs up again towards the mailbox where § 87(2)(b) is standing (**Board Review 04**). At the 05:21 mark, PO Mahon exits the vehicle and approaches § 87(2)(b) At the 05:40 mark, PO Figueroa, Det. Beddows and Sgt. Valentino arrive at the incident location in their unmarked police vehicle. Due to the distance of the camera, specific actions taken by § 87(2)(b) and PO Mahon are not clearly visible.

As described above, PO Mahon's BWC footage begins with PO Mahon repositioning the police vehicle on East 229th Street and backing up towards the area where § 87(2)(b) is standing (**Board Review 06**). PO Mahon appears to be making a radio transmission while holding his police radio in front of his mouth. At the 00:16 second mark, PO Mahon exits the police vehicle and PO Mahon approaches § 87(2)(b) has both of his hands in the air and is holding a cellphone in his right hand. PO Mahon places his police radio in front of his mouth once more as he gets closer to § 87(2)(b). At the 00:25 mark, PO Mahon stands in close proximity to § 87(2)(b) for several seconds, but it is unclear what actions PO Mahon is taking at this time due to the close proximity of his BWC with § 87(2)(b) body. At the 00:48 mark, PO Mahon begins to run towards the opposite side of East 229th Street and leaves § 87(2)(b) on the sidewalk.

PO Mahon stated that after § 87(2)(b) went into the walkway, he brought back his attention to § 87(2)(b) and observed § 87(2)(b) throwing a clear sandwich twist bag with a substantial amount of a white substance under the parked vehicle that was next to him (**Board Review 07**). PO Mahon immediately identified the white substance to be narcotics consistent with what he had seen numerous times during his career. PO Mahon did not know where § 87(2)(b) produced this bag of narcotics from because he only saw the very tail end of § 87(2)(b) throwing the bag away from him. PO Mahon could not tell the exact type of narcotics that were in the bag. PO Mahon then used his left hand to frisk § 87(2)(b) waistband, pants pockets and probably his groin area. PO Mahon did not feel anything in these areas. PO Mahon explained that he frisked § 87(2)(b) because he was under arrest for the narcotics he threw under the vehicle and because § 87(2)(b) had been seen with a firearm. PO Mahon said that "if there were drugs, there could be guns." PO Mahon explained that he remained with § 87(2)(b) because he saw § 87(2)(b) discard the bag with narcotics and because it was possible that § 87(2)(b) was acting as a decoy and § 87(2)(b) could have narcotics and weapons. PO Mahon did not make any observations that indicated to him that § 87(2)(b) had a firearm at the time. While PO Mahon was patting § 87(2)(b) down, PO Mahon could hear PO Wichers screaming. Sgt. Valentino, PO Figueroa and Det. Beddows then arrived at the location and PO Mahon pointed at the walkway. A few seconds later, PO Mahon heard the guns fired and ran towards the walkway, leaving § 87(2)(b) on the sidewalk. PO Mahon did not arrest § 87(2)(b) due to the shooting but gave information of the clear plastic bag that § 87(2)(b) threw under the vehicle to some Detectives after the incident and the narcotics were later recovered.

The investigation obtained NYPD Property Clerk Invoice #§ 87(2)(b) prepared for a large quantity of narcotics vouchered on September 29, 2019 (**Board Review 33**). This voucher is described as "found narcotics," and was vouchered for investigatory purposes.

§ 87(2)(g)

Allegation (D): At 1128 E 229th Street in the Bronx, Police Officer Robert Wichers used physical force against § 87(2)(b)

Allegation (E): At 1128 E 229th Street in the Bronx, Police Officer Robert Wichers fired his gun at § 87(2)(b)

Allegation (F): At 1128 E 229th Street in the Bronx, Police Officer Keith Figueroa fired his gun at § 87(2)(b)

Allegation (G): At 1128 E 229th Street in the Bronx, Sergeant Jason Valentino fired his gun at § 87(2)(b)

Allegation (H) At 1128 E 229th Street in the Bronx, Police Officer Brian Mahon fired his gun at § 87(2)(b)

Allegation (I): At 1128 E 229th Street in the Bronx, Detective Daniel Beddows fired their gun at § 87(2)(b)

During his CCRB interview, § 87(2)(b) explained that after he lost sight of the civilian male and the police officers, he heard gunshots coming from the side of the building (**Board Review 02**). § 87(2)(b) believed it was the police who started firing but could not see who was shooting because the officers were by the side of the building, it was dark outside, and he did not stick his head out of the window. After the third gunshot, § 87(2)(b) ducked and moved away from the window. After the last shot, one of the officers began to scream, “Oh my God. Oh my God. Officer got shot. Call an ambulance.” § 87(2)(b) returned to the window and observed that the civilian male and the officer were on the ground. Another police officer was holding the wounded officer in his arms and was still screaming. The civilian was now lying on the ground with his hands behind his back which made § 87(2)(b) believe that the male had been handcuffed.

§ 87(2)(g)

§ 87(2)(b) (Board Review 03). § 87(2)(b) initially stated that he was standing in front of 1135 East 229th Street when he observed an officer in plain clothes exiting a police vehicle running behind a male into the walkway next to the dumpsters and a big tree. § 87(2)(b) observed the officer in plainclothes and another officer struggling with the male on the ground. Additional officers arrived at the scene while the officers were struggling with the male. One of the officers swung his arm in the direction of the civilian approximately three or four times, which made § 87(2)(b) believe that the officer was punching the civilian. However, § 87(2)(b) could only see the bodies moving on the ground due to the lighting condition of the walkway. Approximately seven to eight officers arrived at the location and surrounded the area while the officers continued struggling with the male on the ground. The civilian male yelled, “Get the fuck off of me.” Approximately 25 minutes later, § 87(2)(b) observed a muzzle flash on the ground and heard a gunshot. § 87(2)(b) did not see what had happened. The officers who had responded to the location then began to fire their weapons at the civilian male. § 87(2)(b) then noticed that the officers were taking the officer in plainclothes to a police vehicle.

§ 87(2)(b) stated that he went upstairs after the officers fired their weapons at the civilian. However, § 87(2)(b) later stated that he went upstairs while the officers and the civilian were struggling and then observed the muzzle flashes on the ground. § 87(2)(b) also stated that he had a view of the area, but that a big tree and the dumpster blocked his view and he could only see the shadows of the officers. § 87(2)(b) confirmed that he could not see the civilian male when the officers were shooting at him. § 87(2)(b) then changed his statement again and stated that he was downstairs when the officers were shooting and then walked upstairs. The investigation reviewed the DD5s regarding § 87(2)(b) statement given to the NYPD Detectives on September 19, 2019 (**Board Review 24**). § 87(2)(b) told the NYPD Detectives that he was in his apartment when he heard several gunshots. § 87(2)(b) looked out his window and observed six or seven officers shooting at one person and that it was a combination of uniformed and plainclothes officers. § 87(2)(b) clarified to the officers that from his vantage point, there was a tree and a large dumpster that blocked his view when the officers went in that direction so he could not see who or what they were shooting at.

The investigation obtained the police radio communications for the Patrol Borough Bronx Anti-Crime on September 29, 2019 (**Board Review 09**). The radio communications begin with PO Mahon saying that they are running outside of Edenwald on Laconia. At the 00:06 mark, another officer asks for a description. Right after, at the 00:08 mark, PO Mahon says, “Fuck, he’s got it.” At the 00:13 mark, the PO Mahon tells PO Wichers, “Rob, I can’t catch you.” At the 00:18 mark, another officer asks, “Can we give us a drive direction, Mahon?” At the 00:21 mark and the 00:32 mark, PO Mahon replies, “1135 229th.” At the 00:37 mark, an officer asks, “Rob, you on bro. You on, Rob?” The officer asks again, “Rob, Rob you on bro?” At the 00:59 mark, PO Wichers yells, “Shots fired. Shots fired. Shots fired!” PO Wichers then says, “Stop shooting. Stop shooting.” At the 1:08 mark, PO Wichers says, “Rush the bus. Rush the bus.” Between the 1:25 mark and the end,

the officers are requesting additional units at the scene and attempting to establish communication with PO Wichers.

At the 05:02 mark of the NYCHA CCTV footage, of the camera installed outside of 1132 East 229th Drive South, § 87(2)(b) is briefly shown running on the walkway, on the far-left side of the screen, followed by PO Wichers, and then both moving towards the right side of the walkway, and falling forward (**Board Review 04**). The tree trunk standing next to the sidewalk prevents the camera from having a full picture of § 87(2)(b) PO Wichers and PO Mulkeen, but a set of feet can be seen sticking out and moving on the ground after the struggle ensues. At the 05:32 mark, PO Wichers, § 87(2)(b) and PO Mulkeen roll over to the left side of the screen while the officers are struggling with § 87(2)(b) PO Mulkeen and § 87(2)(b) are shown struggling over an object on the ground, but due to the distance of the NYCHA surveillance camera, the investigation is unable to determine what the object is. Simultaneously, PO Wichers is positioned over § 87(2)(b) while he attempts to gain control over his arm. At the 05:41 mark, PO Wichers begins to throw multiple consecutive hand strikes at § 87(2)(b) while appearing to hold onto one of § 87(2)(b) hands. At the 05:48 mark, PO Mulkeen brings his right hand over the left side of his waistband and then brings it back towards § 87(2)(b) while § 87(2)(b) is facing away from PO Wichers. PO Wichers then backs up and stands up. At the 05:50 mark, Det. Beddows enters the video frame while § 87(2)(b) is over PO Mulkeen. Det. Beddows immediately goes out of the video frame. At the 05:52 mark, a muzzle flash is seen coming from PO Wicher's firearm while he is pointing it at § 87(2)(b). At the same time, PO Mulkeen discharges his firearm at § 87(2)(b) head as smoke can be seen coming out from PO Mulkeen's firearm. § 87(2)(b) body begins to go forward while PO Mulkeen pushes him forward and drags himself from underneath § 87(2)(b). § 87(2)(b) body then bends over and sideways towards the left side of the frame. Given the position of the camera, the tree trunk and the dumpster area, this camera does not show PO Mahon, PO Figueroa and Sgt. Valentin firing their weapons. At the 06:09 mark, PO Mahon enters the video frame and rushes towards PO Mulkeen.

PO Mulkeen did not activate his BWC at any point. PO Wichers' BWC footage § 87(2)(g) (g) (**Board Review 05**). At the 00:52 mark, while running into the walkway, § 87(2)(b) reaches towards the left side of the front of his waistband. A screenshot of this moment from the video is attached to the case file (**Board Review 40**). At the 00:56 mark, PO Wichers grabs § 87(2)(b) by the lower back of his t-shirt and pulls him (**Board Review 05**). PO Wichers' BWC then gets in close proximity with § 87(2)(b) and the lens gets obstructed as the struggle ensues. Between the 1:00 mark and the 1:10 mark, PO Wichers says, "He is reaching. He is reaching. He is fucking reaching," while his BWC is mostly obstructed but momentary glimpses of the left side of PO Mulkeen's torso is shown as he is leaning towards § 87(2)(b). At the 1:09 mark, PO Wichers throws approximately three hand strikes towards § 87(2)(b) back. At the 1:12 mark, PO Mulkeen says, "Wait. Fuck. Fuck," and he is partially seen on the ground. At the 1:18 mark, PO Wichers says, "Get them, Mulk." At the 1:19 mark, § 87(2)(b) appears to stand up and PO Wichers grabs § 87(2)(b) by his pants. At the 1:24 mark, § 87(2)(b) arms are captured on the left frame of the screen while the officers are pulling him backwards. § 87(2)(b) right hand is empty while his left hand appears to hold something, but it is unclear what the object is. A screenshot of the video showing this object is attached (**Board Review 39**). Right after, the BWC continues to shake while § 87(2)(b) and the officers are again on the ground. At the 1:30 mark, PO Wichers holds § 87(2)(b) left hand with his right hand while another hand, either PO Wicher's or PO Mulkeen's, holds § 87(2)(b) forearm. § 87(2)(b) appears to be holding a dark object, which resembles a set of handcuffs. PO Wichers yells, "He is reaching for it," while he pulls § 87(2)(b) left hand, but § 87(2)(b) pulls away from him. § 87(2)(b) appears to be sideways, facing towards the right side of the screen. § 87(2)(b) appears to completely pull away from PO

Wichers and gets his left hand free and outside of the video frame. At the 1:34 mark, PO Wichers places his right hand on the ground while the BWC points away from § 87(2)(b). PO Wichers then yells, “Mulk,” and begins to throw multiple hand strikes at § 87(2)(b) head. Right after, PO Wichers’ BWC gets in close proximity to § 87(2)(b) back area while PO Wichers yells once more, “Mulk.”

At the 01:43 mark or 12:30:21 timestamp of PO Wichers’ BWC footage, two consecutive gunshots go off. PO Wichers immediately stands up and two more gunshots in rapid succession go off (**Board Review 05**). As PO Wichers moves back, § 87(2)(b) is shown on top of PO Mulkeen, facing away from PO Wichers. Both of his arms appear to be in front of him. At the 01:45 mark or 12:30:22 a.m., PO Wichers fires one shot at § 87(2)(b). § 87(2)(b) then appears to bring his right arm up and PO Mulkeen gets his right hand from underneath § 87(2)(b) torso and fires a fifth time, at § 87(2)(b) head. § 87(2)(b) body begins to roll toward the ground while his torso is still over PO Mulkeen’s legs. At the 1:47 mark or 12:30:24 timestamp, Det. Beddows enters the video frame and fires another round at § 87(2)(b) while § 87(2)(b) is bent over facing the ground. A blurred square is immediately placed over the area where PO Mulkeen and § 87(2)(b) are located due to NYPD redacting the BWC footage. At the 01:48 mark, a burst of gunshots can be heard coming from behind PO Wichers. Det. Beddows immediately jumps and moves away from § 87(2)(b) onto the lawn area. At the 01:53 mark, the last gunshot is heard and Det. Beddows yells, “Stop shooting. Stop shooting.” PO Wichers adds, “Stop shooting. Stop shooting.” No other gunshots are heard. At the 2:03 mark, PO Wichers tells the anti-crime team out loud, “He was grabbing the gun.”

Det. Beddows does not activate his BWC until the officers are rendering aid to PO Mulkeen. From the 00:21 mark or 12:30:20 timestamp, Det. Beddows’ BWC footage is consistent with PO Wicher’s BWC footage after the gunfire begins (**Board Review 10**). At the 00:26 mark or 12:30:25 timestamp, after Det. Beddows fires his weapon at § 87(2)(b) Det. Beddows turns around and jumps onto the lawn area, away from § 87(2)(b). Det. Beddows does not have sound at the time given that he had not activated his BWC.

The first minute of Sgt. Valentino’s BWC footage does not have any sound (**Board Review 11**). At the 00:32 mark or 12:30:16 timestamp, PO Figueroa stops the police vehicle and Det. Beddows exits it after PO Mahon directed them towards the walkway. Sgt. Valentino has the rear driver’s side window open. Det. Beddows immediately runs towards the walkway while Sgt. Valentino and PO Figueroa exit the police vehicle. As Sgt. Valentino exits the vehicle, Sgt. Valentino is facing in the direction of the sidewalk. Det. Beddows can be seen entering the walkway and running further into it. Sgt. Valentino runs towards the sidewalk while PO Figueroa runs past him and gets onto the sidewalk first. At the 00:39 mark, Sgt. Valentino moves laterally onto the sidewalk and PO Wichers can partially be seen already standing up and Det. Beddows standing next to him.

At the 00:40 mark or 12:30:22 timestamp of Sgt. Valentino’s BWC footage, PO Figueroa stands in front of the fence that leads into the lawn area and brings his firearm up and points in the direction where the officers and § 87(2)(b) are (**Board Review 11**). At the 00:41 mark or 12:30:23 timestamp, PO Figueroa fires one round as a muzzle flash can be seen coming from his firearm. Also, at the 00:41 mark or 12:30:24 timestamp, Sgt. Valentino brings his firearm in front of him and points in the direction where the officers and § 87(2)(b) are standing. Sgt. Valentino then begins to fire his weapon and PO Figueroa then fires a second round. Between the 00:41 mark or 12:30:24 timestamp and the 00:4 mark or 12:30:26 timestamp, Sgt. Valentino fires four consecutive times. After the second shot, PO Wichers and Det. Beddows begin to back up from § 87(2)(b). At the 00:43 mark or 12:30:26 timestamp, Sgt. Valentino fires his weapon a fifth time. At the 00:44 mark or 12:30:28 timestamp, Sgt. Valentino runs laterally to the right and then lowers his firearm. At the 1:22 mark, Sgt. Valentino approaches § 87(2)(b) who is lying sideways on the ground. Sgt. Valentino tells PO Wichers, “Cuff this guy up.” PO Wichers leans towards § 87(2)(b) and says out loud, “Where is the gun? He’s got a gun!” Sgt.

Valentino places § 87(2)(b) in handcuffs while § 87(2)(b) is motionless on the ground. At the 1:43 mark, Sgt. Valentino slightly turns § 87(2)(b) over to the left and pulls out a dark revolver from underneath § 87(2)(b) thighs. Sgt. Valentino picks up the revolver, looks at the cylinder and throws it back on the ground. At the 2:08 mark, Sgt. Valentino instructs an officer to watch the revolver on the ground.

PO Figueroa's BWC footage begins when the officers had already approached PO Mulkeen and § 87(2)(b) and does not capture PO Figueroa firing his weapon (**Board Review 12**).

At the 00:48 mark of PO Mahon's BWC footage, PO Mahon begins to run towards the opposite side of East 229th Street and leave § 87(2)(b) on the sidewalk (**Board Review 06**). At the 00:53 mark or 12:30:28 timestamp, PO Mahon reaches the southern sidewalk of East 229th Street, stops at the curb, holds his firearm in front of him and discharges his firearm once. At this point, Sgt. Valentino and PO Figueroa are already discharging their firearms. Right after, PO Mahon moves laterally on the sidewalk towards Sgt. Valentino and PO Figueroa who are standing in front of the entrance to the walkway. PO Mahon is the last officer to discharge his firearm. At the 1:00 mark, PO Mahon activates his BWC while walking towards PO Mulkeen and § 87(2)(b).

The autopsy report prepared by Dr. Sophie Rodriguez of the New York City Office of the Chief Medical Examiner determined that § 87(2)(b) death was caused by gunshot wounds to his head and torso (**Privileged Document**). Dr. Rodriguez noted that § 87(2)(b) had a perforating gunshot wound on his neck, perforating gunshot wound of the right chest, penetrating gunshot wound of the right abdomen, penetrating gunshot wound of the left chest, perforating gunshot wound of the left chest, two penetrating gunshot wounds of the left chest, perforating gunshot wound of the right lower back/buttock, perforating gunshot wound of the right arm, blunt force trauma of the head and extremities, and what she noted as "Atherosclerotic cardiovascular disease, slight moderate." Four bullets were recovered from § 87(2)(b) body. § 87(2)(b) was a § 87(2)(b)-old male, who was 5'8" tall, weighed 266 pounds, and had an obese build.

As previously noted, according to the FID Report, the NYPD Crime Scene Unit recovered a FIE Titanic .32 caliber revolver serial #§ 87(2)(b) voucher under invoice #§ 87(2)(b) (**Board Review 32**). The cylinder contained four live .32 caliber cartridges and one empty chamber. The NYPD Crime Scene Unit concluded that the DNA recovered from the firearm matched § 87(2)(b) DNA. The NYPD also determined that this revolver was not fired during this incident.

According to the Office of the Bronx District Attorney's report of the investigation into the fatal shooting of § 87(2)(b) and Police Officer Brian Mulkeen, on page 29, the NYPD Crime Scene Unit and FID took measurements of the scene and made rough determination of how far PO Figueroa, PO Mahon and Sgt. Valentino were standing from the struggle area when they fired their weapons (**Board Review 43**). PO Figueroa fired from approximately 19 yards away, Sgt. Valentino from approximately 21 yards away and PO Mahon from approximately 23 yards away.

PO Wichers stated that when § 87(2)(b) and PO Wichers reached the other side of East 229th Street, PO Wichers observed a revolver in § 87(2)(b) hand (**Board Review 08**). PO Wichers did not remember which hand § 87(2)(b) was holding the revolver or how he had his hand positioned. PO Wichers then attempted to take § 87(2)(b) to the ground while grabbing his back but was unable to do so as § 87(2)(b) was trying to stay on his feet and was stronger than PO Wichers. PO Wichers stated that § 87(2)(b) was actively resisting at the time but did not remember how § 87(2)(b) was positioned. While struggling with § 87(2)(b) to take him down to the ground, PO Wichers was not aware of in which hand § 87(2)(b) held the revolver. Shortly after, PO Mulkeen approached § 87(2)(b) and PO Wichers. PO Mulkeen then assisted PO Wichers in taking § 87(2)(b) to the ground. PO Wichers was grabbing onto § 87(2)(b) back but did not remember what part of § 87(2)(b) body PO Mulkeen was grabbing. PO Wichers did not remember if he was able to get his handcuffs out. After bringing § 87(2)(b) to the ground, PO Wichers noticed that § 87(2)(b) revolver was now between PO Mulkeen and § 87(2)(b) hands. PO Mulkeen and § 87(2)(b) were tugging back and forth to get possession of the revolver. PO Mulkeen was

on the floor; § 87(2)(b) was lying almost on top of PO Mulkeen and PO Wichers was on top of § 87(2)(b). PO Wichers did not remember the exact position of § 87(2)(b) at the time. PO Wichers then grabbed § 87(2)(b) legs and tried to pull him back so § 87(2)(b) would let go of the revolver. § 87(2)(b) was reaching for the revolver while it was on the ground and PO Wichers told § 87(2)(b) “He is reaching for it.”

At some point, § 87(2)(b) was able to regain control of the firearm with one hand (**Board Review 08**). PO Wichers then began to throw multiple closed-hand strikes at § 87(2)(b) body. PO Wichers initially stated that he punched § 87(2)(b) in the face, but later stated that he did not remember where the punches landed. PO Wichers did not know what § 87(2)(b) was doing with his other hand at the time. PO Wichers explained that he threw the hand strikes at § 87(2)(b) to have § 87(2)(b) release the grip of the firearm and because he did not want § 87(2)(b) to use the firearm against him. Despite PO Wichers’ punches, § 87(2)(b) did not release his grip of the firearm and was still holding onto it. PO Wichers observed PO Mulkeen drawing his firearm while the struggle continued. Sometime after, PO Wichers heard gunshots. PO Wichers immediately backed off, drew his firearm and discharged one round at § 87(2)(b). PO Wichers explained that he fired his weapon because he did not know whether § 87(2)(b) was shooting at PO Mulkeen or at PO Wichers, and PO Wichers was feared for his life and PO Mulkeen’s life. PO Wichers was standing approximately five feet away from § 87(2)(b) when he discharged his firearm. PO Wichers did not remember exactly how many gunshots he heard before standing up. PO Wichers did not remember exactly how § 87(2)(b) was positioned when he fired his weapon but remembered that § 87(2)(b) was trying to get up. PO Wichers did not remember if he saw § 87(2)(b) holding the revolver when he heard the gunfire. PO Wichers did not remember if § 87(2)(b) took any action or reacted in any way after he fired his weapon. PO Wichers could not remember whether he observed PO Mulkeen discharge his firearm. PO Wichers remembered seeing Det. Beddows standing toward his right and firing his weapon but did not remember when Det. Beddows got to the scene or whether Det. Beddows discharged his firearm before or after PO Wichers did. PO Wichers did not know whether the other officers involved fired their weapons.

During their CCRB interviews, PO Figueroa and Sgt. Valentino explained that they had stopped at the 47th Precinct stationhouse when they heard a radio transmission via the PBBX channel of PO Mahon stating, “He’s got it,” which indicated to both officers that PO Wichers was engaging with someone who had a firearm or that a firearm was displayed (**Board Reviews 13 and 14**). PO Mahon provided a location as “East 229th Street” or “229 Laconia.” Sgt. Valentino remembered hearing PO Mahon also say that he could not catch up to them because he had another individual stopped (**Board Review 14**). Sgt. Valentino stated that they did not get any other radio transmissions while PO Figueroa stated that he believed he heard another transmission of PO Wichers saying, “He is holding it,” or “He is reaching for it,” which indicated to PO Figueroa that the officers were fighting with someone who had a firearm, and they were trying to get the firearm from the individual (**Board Reviews 13 and 14**). PO Figueroa, Det. Beddows and Sgt. Valentino went back into their unmarked police vehicle and drove towards the location provided via radio. PO Figueroa was the operator of the vehicle; Det. Beddows was sitting on the front passenger seat and Sgt. Valentino in the back seat. Upon arriving at the incident location, PO Figueroa and Sgt. Valentino observed PO Mahon standing on the left side or the northern side of East 229th Street with § 87(2)(b). PO Mahon immediately pointed towards the walkway on the opposite side of the street. PO Figueroa believed that PO Mahon said, “They went that way,” when he pointed towards the walkway. PO Figueroa then stopped the vehicle next to the walkway, near the southern side of East 229th Street. Det. Beddows exited the vehicle, followed by Sgt. Valentino and PO Figueroa. Sgt. Valentino did not have any sight of the walkway and PO Figueroa did not hear anything in the location prior to them exiting the police vehicle (**Board Reviews 13 and 14**).

PO Figueroa stated that Det. Beddows immediately got onto the sidewalk and ran into the walkway (**Board Review 13**). PO Figueroa stated that as he got onto the sidewalk, he began to hear

gunshots. PO Figueroa observed Det. Beddows ahead of him, towards the right-hand side, in front of PO Mulkeen and § 87(2)(b). PO Figueroa was able to see PO Mulkeen and § 87(2)(b) and determined that § 87(2)(b) was not an officer from the anti-crime unit. PO Figueroa initially stated that he had seen PO Mulkeen and § 87(2)(b) wrestling on the ground but later stated that he did not remember whether he observed this before or while he heard the gunshots. PO Figueroa then observed muzzle flashes from the area where § 87(2)(b) was located and § 87(2)(b) turning towards Det. Beddows. PO Figueroa could not see who was discharging the firearm, but from his vantage point, it looked like § 87(2)(b) was turning towards Det. Beddows and shooting at him. Det. Beddows then took a step back and discharged his firearm at § 87(2)(b). PO Figueroa discharged his firearm at § 87(2)(b). PO Figueroa explained that he discharged his firearm because he believed that § 87(2)(b) was shooting at Det. Beddows and PO Figueroa needed to stop the threat. PO Figueroa did not remember exactly when he drew his firearm but stated that he already had it drawn when Det. Beddows took the step back. PO Figueroa did not see PO Mulkeen hold a firearm. PO Figueroa did not remember if he ever saw § 87(2)(b) hold a firearm. PO Figueroa stated that he did not know how many rounds he fired at the time but later found out that he fired two rounds. PO Figueroa did not remember exactly how far he was standing from § 87(2)(b) when he fired his weapon. PO Figueroa did not see PO Wichers at the time because he was focused on Det. Beddows and what was occurring on the ground. PO Figueroa stopped firing when the gunfire ceased and could see that § 87(2)(b) was not moving and no longer a threat.

Sgt. Valentino stated that Det. Beddows went ahead of the officers and got about five yards away from the officers into the walkway (**Board Review 14**). Sgt. Valentino ran to the front of the sidewalk, which took him approximately five to eight seconds. As he ran towards the sidewalk, Sgt. Valentino observed the struggle between the officers and § 87(2)(b). PO Mulkeen was on his back on the ground, § 87(2)(b) was on top of PO Mulkeen, and PO Wichers was standing over § 87(2)(b) with the cuffs in his hands, trying to get a hold of § 87(2)(b). § 87(2)(b) hand to place him in handcuffs. PO Wichers was saying, "He is reaching for it." § 87(2)(b) appeared as if he was trying to get a firearm out of his waistband. § 87(2)(b) was hiding his hands in front of his waistband and was moving it out of his waistband as if he was trying to pull a firearm out. Sgt. Valentino explained that there were streetlights in the area where the struggle took place. Nothing was obstructing Sgt. Valentino's view. Sgt. Valentino then moved approximately two more yards laterally and observed a silver revolver in § 87(2)(b) hand. § 87(2)(b) rolled over towards Det. Beddows, who was standing approximately five yards away from § 87(2)(b). Sgt. Valentino did not know exactly which hand § 87(2)(b) was holding the firearm. Sgt. Valentino then began to see muzzle flashes coming from the ground area and the sound of gunshots. Sgt. Valentino believed at the time that § 87(2)(b) was shooting. § 87(2)(b) had his hands tucked under his waist as he rolled over towards Det. Beddows. Sgt. Valentino believed that § 87(2)(b) was shooting at either Det. Beddows, PO Wichers or PO Mulkeen. PO Wichers stepped approximately three feet away from § 87(2)(b). Sgt. Valentino then observed Det. Beddows fire his weapon at § 87(2)(b). Sgt. Valentino then fired his weapon five consecutive times at § 87(2)(b) while standing approximately 20 yards away with both of his hands on the firearm. Sgt. Valentino explained that he fired his weapon because he perceived an imminent threat towards Det. Beddows and PO Wichers. Sgt. Valentino intended to eliminate this threat. Sgt. Valentino did not remember if he saw PO Wichers fire his weapon. Sgt. Valentino did not observe any other reaction on the ground after he fired his weapon. Sgt. Valentino then observed that § 87(2)(b) and PO Mulkeen were not moving and stopped firing his weapon. Sgt. Valentino fired the five shots over the span of approximately three seconds. Sgt. Valentino did not see whether PO Mulkeen fired his weapon because Sgt. Valentino was not looking at him. After Sgt. Valentino approached § 87(2)(b), § 87(2)(b) appeared deceased and was motionless. Sgt. Valentino rolled § 87(2)(b) over, placed him in handcuffs for everyone's safety and observed a firearm underneath his body.

During his CCRB interview, PO Mahon stated that after he heard the first gunshot, he drew his weapon and ran across East 229th Street (**Board Review 07**). There was some pause, and then PO Mahon heard an eruption of gunshots. PO Mahon perceived the sound of the gunshots to be a full gunfight given that they sounded like they were different calibers. As PO Mahon ran, he observed Det. Beddows fire one shot at § 87(2)(b) and then Det. Beddows either stumbled back or fell backwards while he was in front of the walkway. PO Mahon perceived Det. Beddows to be engaged in a firefight and thought that Det. Beddows was getting shot. Det. Beddows was standing approximately three feet away, slightly angled behind PO Wichers while PO Wichers was standing approximately five feet away from PO Mulkeen and § 87(2)(b). PO Mahon did not believe that he saw PO Wichers discharge his firearm at the time. PO Mahon also observed PO Mulkeen and § 87(2)(b) on the ground. PO Mulkeen was on his back trying to back away from § 87(2)(b). PO Mahon did not remember seeing PO Mulkeen holding a firearm. PO Mahon did not know if § 87(2)(b) was on top of PO Mulkeen but perceived PO Mulkeen to be a foot or two feet away from § 87(2)(b) and that he was trying to move back. PO Mahon could not clearly see § 87(2)(b) because it was dark and did not know whether § 87(2)(b) was on his back or stomach but could see a mass on the ground and muzzle flashes near § 87(2)(b) body. PO Mahon stated that he believed that § 87(2)(b) was holding a firearm at the time but later learned through other investigations that § 87(2)(b) was not. PO Figueroa and Sgt. Valentino were also firing their weapons at § 87(2)(b) at the time from the sidewalk. PO Mahon then held his firearm with two hands in front of his chest and face and discharged it once as he aimed at § 87(2)(b). PO Mahon explained that he decided to fire his weapon because he believed his partners were being killed. There was no obstruction between PO Mahon and § 87(2)(b) at the time. PO Mahon did not know exactly how far he was standing from § 87(2)(b). After PO Mahon fired his only round, the gunfire stopped. PO Mahon believed that he was the last person to fire.

The investigation obtained the Separation of Service for Det. Beddows confirming that Det. Beddows retired from the NYPD on October 31, 2020 (**Board Review 15**).

NYPD Forensics found that § 87(2)(b) had a FIE Titanic .32 caliber revolver in his possession. Neither BWC footage nor NYCHA footage shows the revolver while PO Wichers and PO Mulkeen were struggling with § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The investigation compared Sgt. Valentino, PO Figueroa, and PO Mahon's statements with the timeline of events captured on BWC footage. As per video evidence, when Sgt. Valentino and PO Figueroa were getting on the sidewalk, PO Mulkeen fired his fifth round at § 87(2)(b) body began to be moved backwards, and Det. Beddows, who was in close proximity, fired his weapon at § 87(2)(b). Although Sgt. Valentino and PO Figueroa were incorrect about what they believed they observed, their perception of what transpired was consistent with the events occurring on the walkway at the time. It is important to note that all these actions and observations occurred in a span of three to four seconds before the officers fired their weapons, and that the officers were standing between 19 and 21 yards away. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

Similarly, video evidence shows that as PO Mahon ran towards the sidewalk and approached the curb, there were six rounds fired between PO Mulkeen and PO Wichers. These rounds caused muzzle flashes on the ground where § 87(2)(b) was situated and there was a variation of sound between the gunshots discharged by PO Mulkeen and PO Wichers. The video evidence also shows that after Det. Beddows fired his weapon, Sgt. Valentino and PO Figueroa began to discharge their firearms. Det. Beddows immediately rushed back and moved away from § 87(2)(b) PO Mahon's statement about the timeline of the events and what he could hear and observe prior to his gun discharge is consistent with BWC footage. § 87(2)(g)

The NYPD Patrol Guide Procedure 221-01 states that officers may use physical force when it is reasonable to ensure the safety of a member of the service (**Board Review 20**). Any use of force must be reasonable under the circumstances. The use of deadly physical force against a person can only be used to protect a member of the service and/or the public from imminent serious physical injury or death. In determining whether the use of force is reasonable, officers should consider the actions taken by the subject, duration of the action, the immediacy of the perceived threat or harm from the subject, the size, age and condition of the subject in comparison to the officers, the number of subjects in comparison to the number of officers present; the subject's violent history (if known); whether the subject is actively resisting custody and whether the subject is attempting to evade arrest by flight.

The NYPD Patrol Guide Procedure 221-03 defines a serious physical injury or illness when it creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of any bodily organ or limb. Examples includes broken or fractured bones, injuries requiring hospital admission and gunshot wounds (**Board Review 21**).

§ 87(2)(g)

§ 87(2)(g)

PO Mahon, PO Figueroa and Sgt. Valentino knew that PO Mulkeen and PO Wichers were struggling with § 87(2)(b) that § 87(2)(b) was armed, and they were on scene when PO Wichers was yelling, "He is reaching. He is reaching." As soon as PO Mulkeen opened fire, the officers heard multiple gunshots coming from the same area where PO Wichers was struggling. In a split second, the officers heard multiple gunshots, observed PO Mulkeen firing his weapon at least

once, observed PO Wichers firing his weapon and Det. Beddows firing his weapon while standing between 19 and 23 yards away from them. § 87(2)(g)

Allegation (J): At 1128 E 229th Street in the Bronx, officers did not obtain medical treatment for § 87(2)(b)

PO Wichers' BWC footage shows that the last gunshot was fired at 12:30:30 a.m. or the 1:54 mark (**Board Review 05**). PO Wichers then puts over the radio, "Shots fired. Shots fired!" and adds, "Rush the bus. Rush the bus. MOS shot. Rush the bus." At the 2:14 mark or 12:30:50 a.m., PO Wichers says over the radio, "Central, I need a bus. I need a bus. Shots fired." At the 1:10 mark or 12:30:52 a.m. of Sgt. Valentino's BWC footage, Sgt. Valentino approaches § 87(2)(b) who is lying on the ground (**Board Review 11**). At the 1:27 mark or 12:31:10 a.m., Sgt. Valentino places § 87(2)(b) in handcuffs. At the 2:37 mark or 12:31:13 a.m. of PO Wichers' BWC footage, PO Wichers says over the radio, "Central rush the bus immediately" (**Board Review 05**). At the 2:49 mark or 12:31:25 a.m., PO Wichers asks over the radio, "Central, where is the fucking bus?" At the 3:09 mark or 12:31:45 a.m., PO Wichers asks again over the radio and says, "Central, where's the bus?" Additional uniformed officers are arriving at the scene. At the 3:19 mark or 12:31:55 a.m., PO Wichers says, "Central...a fucking bus." At the 3:04 mark or 12:32:46 a.m., PO Mahon, PO Figueroa, Det. Beddows, and uniformed officers take PO Mulkeen into an RMP. Between 12:33:05 a.m. and 12:35:02 a.m., Sgt. Valentino and PO Wichers turn their BWC off, Det. Beddows gets into the police vehicle with PO Mulkeen, PO Figueroa escorts the police vehicle and PO Mahon stands outside of the scene and turns his BWC off.

At the 2:38 mark or 12:34:30 a.m. of PO Hyde's BWC footage, after PO Mulkeen is removed from the scene, PO Hyde asks the officers on scene, "We have a bus coming?" and then puts over the radio, "We need one additional ambulance to 1128 229th Street for an injured perp." (**Board Review 16**). At the 1:50 mark or 12:35:20 a.m. of PO Reitze's BWC footage, PO Reitze turns § 87(2)(b) over and PO Hyde tells him to check his pulse (**Board Review 17**). PO Hyde asks the officer, "Anything?" but PO Reitze does not reply. At the 4:07 mark or 12:35:44 a.m., PO Reitze begins to give CPR to § 87(2)(b) and PO Hyde asks the officer, "What's his pulse like? Anything?" The officer says, "Not that I can feel," while § 87(2)(b) is still motionless on the ground. Between the 4:07 mark or 12:35:44 a.m. and the 5:15 mark or 12:38:45 a.m., PO Reitze gives constant CPR to § 87(2)(b). At the 5:15 mark or 12:38:45 a.m., the ambulance arrives at the location. PO Reitze backs up and another officer continues giving constant CPR to § 87(2)(b). At the 6:27 mark or 12:39:58 a.m., the EMTs approach § 87(2)(b). The EMTs and the uniformed officers place § 87(2)(b) on a stretcher and take him to the ambulance.

The investigation obtained the recording of the police radio communications and the Event Chronology for ICAD #§ 87(2)(b) (**Board Reviews 18 and 19**). The Event Chronolog shows that at 12:31:33 a.m., an officer reported shots fired at "Laconia and East 229th Street" (**Board Review 18**). The radio transmission adds that there was one police officer down at the location. At 12:32:13 a.m., officers requested to rush the ambulance to the incident location. At 12:33:35 a.m., EMS Unit 15D3 was dispatched to the incident location and arrived at 12:38:35 a.m. The police radio communications begin with an officer saying, "Shots fire! Shots fired guys!" (**Board Review**

19). The police dispatcher requests the location, and an officer says, “Laconia and 229.” At the 00:13 seconds mark, an officer puts over the radio, “Central, I need a bus. I need a bus. Shots fired!” At the 00:25 seconds mark, another officer states, “1135 229th Street. Get the blood bank going central right now. ASAP.” Immediately after, another officer says, “I need the bus here immediately.” At the 00:43 seconds mark, an officer says, “Central, where is the bus? One officer down, shots fired, K.” The police dispatcher says, “One officer down at the location. One officer down at the location. Shots fired.” At the 2:47 mark, an officer says, “47 Charlie, show me transporting MOS to § 87(2)(b).” At the 3:09 mark, an officer says, “Borough Crime Sergeant to Central. We need another bus to this location for a perp that’s down.” At the 5:25 mark, a male voice says, “47 XO, we are going to need a bus here.” At the 5:45 mark, a male voice says, “47 XO, I need a bus here for an injured perp.” At the 6:43 mark, a male voice says, “Housing CO. Let me get a bus to the scene. 1132 for an injured perp down. MOS back to the hospital. No injuries to other MOS.” At the 7:27 mark, an officer says, “Central, what’s the ETA on that bus?” The police dispatcher says, “We have 00:40, I put a rush on it already twice.”

The investigation obtained the FDNY Pre-Hospital Care Report Summary (PCR) prepared by FDNY Unit 15D3 on September 29, 2019 (**Privileged Documents**). The PCR states that EMS received the emergency call at 12:32:26 a.m., FDNY Unit 15D3 was dispatched at 12:33:35 a.m., the ambulance arrived at the scene at 12:38:34 a.m. and made contact with § 87(2)(b). The medical assessments performed on § 87(2)(b) showed that he was unconscious and unresponsive, had apneic breathing, and no pulse. The EMTs gave CPR to § 87(2)(b) but it was unsuccessful. The PCR’s narrative states that EMS found § 87(2)(b) lying supine on the ground with first responders rendering CPR. The officers informed EMS that § 87(2)(b) had multiple gunshots. On page five of the EMR Report from § 87(2)(b) § 87(2)(b) wrote that § 87(2)(b) was brought in by EMS and they informed him that he lost pulse at the scene (**Privileged Documents**). At the hospital, § 87(2)(b) had no pulse and no cardiac activity, and was pronounced dead at § 87(2)(b).

PO Mahon, PO Wichers, PO Figueroa and Sgt. Valentino had all received cardiopulmonary resuscitation (CPR) training during their tenure at the NYPD (**Board Reviews 07, 08, 13 and 14**). During their CCRB interviews, PO Mahon, PO Figueroa, PO Wichers and Sgt. Valentino stated that when they approached PO Mulkeen and § 87(2)(b) they observed that PO Mulkeen had been shot and § 87(2)(b) was motionless on the ground. None of the officers observed § 87(2)(b) move or say anything at any point. PO Mahon stated that § 87(2)(b) was dead and had numerous bullet wounds in his face (**Board Review 07**). PO Wichers did not know whether § 87(2)(b) was alive or dead (**Board Review 08**). PO Figueroa stated that § 87(2)(b) was bleeding face down on the ground which made him believe that § 87(2)(b) was also badly hurt, but PO Figueroa did not know where § 87(2)(b) was bleeding from (**Board Review 13**). Sgt. Valentino stated that § 87(2)(b) was lying on his side, appeared to be deceased and did not appear to be breathing (**Board Review 14**). PO Mahon stated that he rendered aid to PO Mulkeen as PO Mulkeen was bleeding and had a bullet hole in his head. PO Mahon was plugging PO Mulkeen’s head with his finger to stop the bleeding (**Board Review 07**). PO Mahon stated that he knew § 87(2)(b) was dead and he was doing everything he could to render aid to PO Mulkeen. PO Mahon heard Sgt. Valentino requesting ambulances to the location. PO Wichers stated that he immediately tried to render aid to PO Mulkeen and obtained medical treatment for § 87(2)(b) by requesting an ambulance over the radio (**Board Review 08**). PO Figueroa stated that he ran back out to the street, obtained the address from the building across the street and requested aid for PO Mulkeen because PO Mulkeen was badly hurt, bleeding profusely, and was having trouble breathing (**Board Review 13**). PO Figueroa attempted to get PO Mulkeen to react but PO Mulkeen did not react, so PO Figueroa proceeded to give him CPR. PO Figueroa did not give CPR to § 87(2)(b) because he was attending to PO Mulkeen who was badly hurt. Sgt. Valentino explained that he requested another ambulance for a “perp that’s down” but did not know if anyone else had requested an ambulance at the time (**Board Review 14**). Sgt.

Valentino did not give any CPR to § 87(2)(b) because he was engaged with Captain Robert Mortensen, who arrived at the scene, but he heard Captain Mortensen order one of the officers to start CPR on § 87(2)(b). Captain Mortensen then instructed Sgt. Valentino to go to the hospital and Sgt. Valentino was transported to a hospital.

The NYPD Employee Verification Unit confirmed that PO Reitzes retired on December 15, 2021, and PO Hayden retired on August 23, 2022 (**Board Review 36**).

As per BWC footage, NYPD records and medical records, at 12:30:30 a.m., an ambulance was requested to the incident location and it was dispatched 3 minutes later. Between 12:30:30 a.m. and 12:35:44 a.m., § 87(2)(b) was lying motionless on the ground while the officers on scene were rendering aid to PO Mulkeen and securing the perimeter. At 12:35:44 a.m., after PO Mulkeen is transported to the hospital, the backup officers begin to give CPR to § 87(2)(b) who appeared to be unconscious and was still motionless on the ground. Between the time the ambulance was requested and the time the ambulance arrived at the location, multiple officers made numerous radio transmissions requesting an ambulance to the location and the ambulance was asked to be rushed. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (K): At § 87(2)(b) in the Bronx, Detective Mark Acevedo abused his authority in relation to § 87(2)(b) in denying access to § 87(2)(b) body.

Allegation (L): At § 87(2)(b) in the Bronx, Detective Mark Acevedo abused his authority in relation to § 87(2)(b) in denying access to § 87(2)(b) body.

During their CCRB interview, § 87(2)(b) and § 87(2)(b) stated that they arrived at § 87(2)(b) after being informed that the police had shot and killed their son, § 87(2)(b) (**Board Reviews 22 and 23**). After § 87(2)(b) and § 87(2)(b) waited outside of the emergency room for approximately 40 minutes, a member of service, who identified himself as “Detective Acevedo,” approached § 87(2)(b) and § 87(2)(b) and brought them into a security room. Another member of service was present, but Det. Acevedo was the only one speaking to them. § 87(2)(b) stated Det. Acevedo told them that he had a couple of questions for them (**Board Review 23**). Both § 87(2)(b) and § 87(2)(b) told Det. Acevedo that they were there to identify § 87(2)(b). Det. Acevedo replied that after he finished asking them a couple of questions and the doctor finished the examination, they could go and see § 87(2)(b) to identify him. Det. Acevedo told § 87(2)(b) and § 87(2)(b) that he was a Detective who did not work for the NYPD or for them and that all he wanted was information. Det. Acevedo then interviewed § 87(2)(b) and § 87(2)(b) regarding § 87(2)(b) and gave them his business card (**Board Reviews 22 and 23**). Det. Acevedo then brought § 87(2)(b) and § 87(2)(b) back to the emergency room waiting area (**Board Review 23**). At some point, the emergency room physician, § 87(2)(b), told § 87(2)(b) and § 87(2)(b) that he finished examining § 87(2)(b) and began to take them towards § 87(2)(b) room. Det. Acevedo then stopped § 87(2)(b) § 87(2)(b) and § 87(2)(b). Det. Acevedo asked, “Where are you going?” § 87(2)(b) replied, “We are going to identify my son.” Det. Acevedo asked them to wait, made a phone call and walked into a separate room. A few minutes later, Det. Acevedo approached them again and said that they could not go inside § 87(2)(b) room because the supervisor said it was an active crime scene. § 87(2)(b) stated to the CCRB that Det. Acevedo said, “You are not allowed to get into the room to identify your son because I was told it is an active crime scene. You are not allowed to go in there to touch the body or anything like that due to any evidence that § 87(2)(b) might have on him”

(Board Review 22). Neither § 87(2)(b) nor § 87(2)(b) knew which supervisor Det. Acevedo had spoken to. § 87(2)(b) and § 87(2)(b) were unable to see § 87(2)(b) at the time and left § 87(2)(b).

The investigation obtained the DD5s entries for Force Investigation case number 2019-26 (Board Review 24). On September 29, 2019, Detective Mark Acevedo, of the Force Investigation Division, made a DD5 entry regarding his interview with § 87(2)(b) and § 87(2)(b) at § 87(2)(b) at approximately 4:00 a.m. The entry does not make any mention regarding § 87(2)(b) and § 87(2)(b) attempting to identify § 87(2)(b).

The investigation attempted to interview Det. Acevedo but determined that he was no longer a member of service. The Separation of Service for Det. Acevedo confirmed that Det. Acevedo retired from the NYPD on July 18, 2020 (Board Review 25).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) have been a party (Board Reviews 26, 27, 28 and 29).
- PO Wichers has been a member-of-service for nine years and has been the subject in 10 CCRB complaints and 29 allegations, none of which were substantiated. § 87(2)(g)
- PO Figueroa has been a member of service for 11 years and has been a subject in five CCRB complaints and 19 allegations, of which three were substantiated:
 - **201904596** involved substantiated allegations of refusal to provide name, stop, and a discourteous word against PO Figueroa. The Board recommended Command Discipline – A and the NYPD imposed Command Discipline – A. § 87(2)(g)
- PO Mahon has been a member of service for ten years and has been a subject in 12 CCRB complaints and 47 allegations, of which 13 were substantiated:
 - **201804513** involved substantiated allegations of entry of premises, frisk, and abuse – other against PO Mahon. The Board recommended Formalized Training and the NYPD imposed Formalized Training.
 - **201808002** involved substantiated allegations of stop and frisk against PO Mahon. The Board recommended Command Discipline – A and the NYPD imposed Command Discipline – A.
 - **202003378** involved a substantiated allegation of frisk against PO Mahon. The Board recommended Command Discipline – B but the NYPD did not impose any penalty.
 - **202003847** involved substantiated allegations of force – nightstick as club (twice) and physical force (twice) and false official statement against PO Mahon. The Board Recommended charges and the NYPD imposed dismissal probation 365 days and loss of 40 vacations days.
 - **202005973** involved substantiated allegations of stop and failure to provide RTKA card against PO Mahon. The Board Recommended Command Discipline – B and the NYPD did not impose any penalties.
- Sgt. Valentino has been a member of service for 20 years and has been a subject in nine CCRB complaints and 25 allegations, of which six were substantiated:
 - **201200640** involved an allegation of discourteous words against Sgt. Valentino. The Board recommended Command Discipline and the NYPD did not impose any penalties.
 - **201904596** involved allegations of restricted breathing, frisk, search of person and stop (twice) against Sgt. Valentino. The Board recommended Command Discipline – A and the NYPD imposed Command Discipline – A.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 18, 2024, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**Board Reviews 41 and 42**).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 15

Investigator:	<u>Juan Arango</u>	<u>Inv. Juan Arango</u>	<u>07/02/2024</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Simon Wang</u>	<u>IM Simon Wang</u>	<u>07/02/24</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date